



February 8, 2008

ENGROSSED HOUSE BILL No. 1071

DIGEST OF HB 1071 (Updated February 6, 2008 2:37 pm - DI 102)

Citations Affected: IC 3-11; noncode.

Synopsis: Funding for voting machine replacement. Provides for the reimbursement of a county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system, if the purchase is eligible for reimbursement under the federal Help America Vote Act (HAVA). Requires that any HAVA money received after December 31, 2007 must be allocated to reimburse Boone, Cass, Parke, and Randolph counties. Requires the secretary of state to petition the federal Election Assistance Commission for authority to use HAVA money to reimburse the counties listed above. Appropriates \$125,000 from the state general fund to match any HAVA money received by the state after December 31, 2007.

Effective: Upon passage; July 1, 2008.

Grubb, Thompson

(SENATE SPONSORS — LAWSON C, SKINNER)

January 8, 2008, read first time and referred to Committee on Elections and Apportionment.

January 17, 2008, amended, reported — Do Pass.

January 28, 2008, read second time, amended, ordered engrossed.

January 29, 2008, engrossed. Read third time, passed. Yeas 94, nays 0.

SENATE ACTION

January 29, 2008, read first time and referred to Committee on Local Government and Elections.

February 7, 2008, amended, reported favorably — Do Pass.

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EH 1071—LS 6521/DI 75+



February 8, 2008

Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

ENGROSSED HOUSE BILL No. 1071

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 3-11-6.5-4 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 4. (a) To receive
3 reimbursement for the purchase of voting systems under this chapter,
4 a county must file an application with the election division, in the form
5 required by the election division. The secretary of state with the
6 consent of the co-directors of the election division shall review the
7 application and make a recommendation to the budget committee
8 regarding the application. If a county filed an application under section
9 3 of this chapter (repealed) not later than January 31, 2003, the
10 application may be amended to comply with this chapter or the county
11 may file a new application under this subsection.
12 (b) The budget agency, after review by the budget committee, shall
13 approve a county's application for reimbursement under this chapter if
14 the budget agency determines ~~either~~ **any** of the following:
15 (1) The county has purchased or will purchase a new voting
16 system or an upgrade or expansion of an existing voting system
17 to comply with HAVA that would be eligible for reimbursement

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under HAVA and this chapter from any fund account.

(2) The county purchased a new voting system or an upgrade or expansion of the county's existing voting system after January 1, 1998, and before July 1, 2001, that would not qualify for reimbursement from federal funds received under HAVA, and the new voting system or upgrade or expansion of the county's existing voting system enhanced all of the following:

(A) Reliability of the county's voting system.

(B) Efficiency of the county's voting system.

(C) Ease of use of the county's voting system by voters.

(D) Public confidence in the county's voting system.

(3) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA.

SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "HAVA money" refers to money received by the state under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c) HAVA money received after December 31, 2007, shall be allocated to reimburse the following counties for purchase of new voting systems:

(1) Boone County.

(2) Cass County.

(3) Parke County.

(4) Randolph County.

(d) The secretary of state, as the state's chief election official under IC 3-6-3.7-1, shall petition the federal Election Assistance Commission for authority to use HAVA money to reimburse counties as provided in subsection (c). In addition to other arguments that the secretary of state may make in the petition, the secretary of state shall inform the Election Assistance Commission that the general assembly considers the circumstances of the counties described in subsection (c) as different from other jurisdictions that have requested to use HAVA money to purchase new voting systems to replace voting systems purchased from HAVA money. Other states have sought to replace functioning voting systems that the state has chosen to abandon for public policy reasons. The state of Indiana is petitioning to use HAVA

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1 money to replace voting systems that cannot be used because of the
2 lack of technical and other operating support for the voting
3 systems due to the dissolution of the companies that sold the voting
4 systems.

5 (c) This SECTION expires July 1, 2013.

6 SECTION 3. [EFFECTIVE JULY 1, 2008] (a) There is
7 appropriated to the election administration fund one hundred
8 twenty-five thousand dollars (\$125,000) from the state general fund
9 to match any money granted to the state by the federal government
10 after December 31, 2007, under the Help America Vote Act of 2002
11 (42 U.S.C. 15301 through 15545), beginning July 1, 2008, and
12 ending June 30, 2011.

13 (b) This SECTION expires July 1, 2011.

14 SECTION 4. An emergency is declared for this act.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Elections and Apportionment, to which was referred House Bill 1071, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, delete lines 12 through 16, begin a new line block indented and insert:

"(3) The county has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system. This subdivision applies only if the purchase of a new voting system is eligible for reimbursement under HAVA."

and when so amended that said bill do pass.

(Reference is to HB 1071 as introduced.)

PIERCE, Chair

Committee Vote: yeas 10, nays 0.

 HOUSE MOTION

Mr. Speaker: I move that House Bill 1071 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning elections and to make an appropriation.

Page 2, between lines 17 and 18, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) As used in this SECTION, "HAVA money" refers to money received by the state under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545).

(b) The definitions in IC 3-5-2 apply throughout this SECTION.

(c) HAVA money received after December 31, 2007, shall be allocated to reimburse the following counties for purchase of new voting systems:

- (1) Boone County.**
- (2) Cass County.**
- (3) Parke County.**
- (4) Randolph County.**

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(5) Any other county that has purchased or will purchase a new voting system to replace a voting system that the county cannot use because the county is unable to obtain technical or other operating support for its current voting system.

(d) The secretary of state, as the state's chief election official under IC 3-6-3.7-1, shall petition the federal Election Assistance Commission for authority to use HAVA money to reimburse counties as provided in subsection (c). In addition to other arguments that the secretary of state may make in the petition, the secretary of state shall inform the Election Assistance Commission that the general assembly considers the circumstances of the counties described in subsection (c) as different from other jurisdictions that have requested to use HAVA money to purchase new voting systems to replace voting systems purchased from HAVA money. Other states have sought to replace functioning voting systems that the state has chosen to abandon for public policy reasons. The state of Indiana is petitioning to use HAVA money to replace voting systems that cannot be used because of the lack of technical and other operating support for the voting systems due to the dissolution of the companies that sold the voting systems.

(e) This SECTION expires July 1, 2013.

SECTION 3. [EFFECTIVE JULY 1, 2008] (a) There is appropriated to the election administration fund one hundred twenty-five thousand dollars (\$125,000) from the state general fund to match any money granted to the state by the federal government after December 31, 2007, under the Help America Vote Act of 2002 (42 U.S.C. 15301 through 15545), beginning July 1, 2008, and ending June 30, 2011.

(b) This SECTION expires July 1, 2011."

Renumber all SECTIONS consecutively.

(Reference is to HB 1071 as printed January 18, 2008.)

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COMMITTEE REPORT

Madam President: The Senate Committee on Local Government and Elections, to which was referred House Bill No. 1071, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, delete lines 30 through 33.

and when so amended that said bill do pass.

(Reference is to HB 1071 as reprinted January 29, 2008.)

LAWSON C, Chairperson

Committee Vote: Yeas 10, Nays 0.

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